



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY-DOCKET NO.
08/878,348	06/18/97	HEATH	

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HM22/1002

EXAMINER
GAMBLER, P.

ART UNIT 1044	PAPER NUMBER
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DATE MAILED: 10/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

08/878348



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1644

22

DATE MAILED:

NOTIFICATION OF DEFECTIVE NOTICE OF APPEAL OR DEFECTIVE BRIEF

1. ☐ The Notice of Appeal filed _____ is:A. ☐ Not acceptable for reason(s) that:

- (1) ☐ The Appeal fee required by 35 U.S.C. 41 (a)(6) and 37 CFR 1.17(e) was not submitted with the Notice of Appeal.
- (2) ☐ The submitted fee of \$ _____ is insufficient. The appeal fee required by 37 CFR 1.17(e) is \$ _____.
- (3) ☐ The Notice of Appeal was not timely filed.
- (4) ☐ The Appeal fee received on _____ was not timely filed.
- (5) ☐ The Appeal is not in compliance with 37 CFR 1.191 in that the claims have not been finally or twice rejected.
- (6) ☐ A Notice of Allowability was mailed by the Office on _____.

B. ☐ Defective and should be corrected as indicated. Applicant is given a TIME LIMIT of ONE MONTH from the date of this letter OR the TIME REMAINING IN THE RESPONSE PERIOD OF THE LAST OFFICE ACTION, whichever is longer, to complete the appeal. NO EXTENSION OF THIS ONE MONTH PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a) or (b) BUT THE PERIOD FOR RESPONSE SET IN THE LAST ACTION MAY POSSIBLY BE EXTENDED. If the appeal is not timely completed, the application will be abandoned.

- (1) ☐ The Notice of Appeal is not signed.
- (2) ☐ Identification of the appealed claim or claims is required under 37 CFR 1.191 (b).

2. ☐ The Brief filed _____ is NOT acceptable for the reason(s) indicated below.

The Appeal in this application will be dismissed unless the applicant makes the Brief acceptable. Extensions of time may be obtained under 37 CFR 1.136(a).

- A. ☐ The Brief and/or Brief fee is untimely. See 37 CFR 1.192.
- B. ☐ The requisite fee which must accompany the Brief has been omitted. See 37 CFR 1.17(f).
- C. ☐ The submitted Brief fee of _____ is not the proper amount. The Brief fee required by 37 CFR 1.17(f) is _____.

3. ☒ The Appeal in this application is DISMISSED because

- A. ☐ The fee for filing the Brief as required under 37 CFR 1.17(f) was not submitted or timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.
- B. ☒ The Brief was not filed, or was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.

4. ☒ As the result of the dismissal in "3" above, this application:

- A. ☒ is abandoned since there are no allowed claims.
- B. ☐ is being returned to the examiner for disposition since it contains allowed claims. Prosecution on the merits is CLOSED.

PHILLIP GAMBEL
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PRIMARY EXAMINER
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10/1/01